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Attorney for Plaintiff
A WALL STREET FUND I, LTD.,
a Florida limited partnership

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

A WALL STREET FUND I, LTD.,
a Florida limited partnership

Plaintiff,

vs.

NEW WORLD CAPITAL CURRENCY
FUND, L.P., a Delaware limited partnership,
NEW WORLD CAPITAL EQUITY FUND,
L.P., a Delaware limited partnership,
NEW WORLD CAPITAL MANAGEMENT,
LLC, a Delaware limited liability
company, GREGORY DURAN, an individual;
and DOES 1-10;

Defendants.

Case No. 08 CV 1042 JAH (JMA)

EX PARTE APPLICATION FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION;

[SUBMITTED HEREWITH: MEMORANDUM
OF POINTS AND AUTHORITIES;
DECLARATIONS OF THOMAS G. BUCKLEY,
JR. AND ERIC I. MICHELMAN;
REQUEST FOR JUDICIAL NOTICE;
[PROPOSED] TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION]

Judge: Hon. John A. Houston
Courtroom: 11
Date:

Plaintiff A WALL STREET FUND I, LTD. hereby applies Ex Parte for a Temporary
Restraining Order pending the hearing and determination of an Order To Show Cause Re:

1 Preliminary Injunction enjoining and restraining the Defendants and each of them, and their
2 agents, partners, managers, employees, assignees, successors, representatives, attorneys and
3 all persons and entities acting under, or in concert with, or on behalf of any of them, or
4 subject to the direct or indirect control of all or any of them, from engaging in or performing
5 directly or indirectly any and all of the following acts:

- 6
- 7 (i) investing or trading any funds and investments including, but
8 not limited to, cash, securities, bonds, notes, commodities,
9 derivatives, exchange traded funds, real estate and currency,
10 except for selling such investments solely for U.S. Dollars; and
11 (ii) employing or contracting with Gregory Duran, or making any
12 payments to, or on behalf of, (a) Gregory Duran, or (b) any
13 relative Gregory Duran, or (c) any entity which is directly or
14 indirectly controlled by, Gregory Duran.

15

16 This Ex Parte Application will be made on the grounds that unless the Defendants are
17 immediately enjoined from committing the above-referenced acts, Plaintiffs will suffer
18 irreparable harm before the matter can be heard on notice.

19 This Ex Parte Application is made on the further grounds that hedge fund Defendants
20 claim they are “insolvent” and are otherwise engaging in oppressive and unfair practices and
21 refuse to return funds to Plaintiff which belong to Plaintiff.

22 The continuation of such practices will result in great and irreparable injury to
23 Plaintiff unless a Temporary Restraining Order is issued and an Order To Show Cause Re:
24 Preliminary Injunction is granted. Furthermore, Defendants claim of “insolvency” creates a
25 significant threat of irreparable injury since a money judgment would be ineffective and
26 therefore an inadequate remedy, and thus requires the parties to maintain the status quo.

27 This Ex Parte Application will be based on this Application, on the attached
28 Declarations of (i) Thomas G. Buckley, Jr. and (ii) Eric I. Michelman, the Complaint

1 previously filed in this action, the Memorandum of Points and Authorities filed herewith, and
2 the Request For Judicial Notice filed herewith, the records and files herein, and on such
3 evidence as may be presented in connection with this Application.

4
5 Dated: July 2, 2008

LAW OFFICES OF ERIC I. MICHELMAN

6 s/Eric I. Michelman

7 Eric I. Michelman

8 Attorney for Plaintiff

9 A WALL STREET FUND I, LTD.
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Attorney for Plaintiff
A WALL STREET FUND I, LTD.,
a Florida limited partnership

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FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

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a Florida limited partnership

Plaintiff,

vs.

**NEW WORLD CAPITAL CURRENCY
FUND, L.P.**, a Delaware limited partnership,
**NEW WORLD CAPITAL EQUITY FUND,
L.P.**, a Delaware limited partnership,
**NEW WORLD CAPITAL MANAGEMENT,
LLC**, a Delaware limited liability
company, **GREGORY DURAN**, an individual;
and **DOES 1-10**;

Defendants.

Case No. 08 CV 1042 JAH (JMA)

**MEMORANDUM OF POINTS AND
AUTHORITIES;**

**[FILED IN SUPPORT OF APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
OSC RE: PRELIMINARY INJUNCTION]**

Judge: Hon. John A. Houston
Courtroom: 11
Date:

Plaintiff, A WALL STREET FUND I, LTD., invested \$750,000 in two “hedge funds” on November 30, 2007. The money is now missing without a trace.

Plaintiff’s ex parte application for a Temporary Restraining Order pending the hearing and determination of an Order to Show Cause Re: Preliminary Injunction seeks to enjoin and restrain the Defendants and each of them, and their agents, partners, managers, employees,

1 assignees, successors, representatives, attorneys and all persons and entities acting under, or
 2 in concert with, or on behalf of any of them, or subject to the direct or indirect control of all
 3 or any of them, from engaging in, or performing directly or indirectly, or consummating any
 4 and all of the following acts:

5 (i) investing or trading any funds and investments including, but not limited to, cash,
 6 securities, bonds, notes, commodities, derivatives, exchange traded funds, real estate and
 7 currency, except for selling such investments solely for U.S. Dollars, and

8 (ii) employing or contracting with Gregory Duran, or making any payments to or on
 9 behalf of (a) Gregory Duran, or (b) any relative Gregory Duran, or (c) any entity which is
 10 directly or indirectly controlled by, Gregory Duran.

11
 12 **I. THE COURT HAS THE AUTHORITY TO ISSUE THE REQUESTED INJUNCTIVE**
 13 **RELIEF**

14 **A. The Legal Standard For Issuance of a Temporary Restraining Order and**
 15 **a Preliminary Injunction.**

16 The party seeking a Temporary Restraining Order must show either (i) a combination of
 17 probable success on the merits and the possibility of irreparable injury, in that the relief sought in the
 18 underlying lawsuit depends, in whole or in part, on restraining the commission or continuance of an
 19 act which would cause waste or irreparable injury, or (ii) that serious questions are raised and the
 20 balance of hardships tips sharply in favor of the moving party. *Stuhlbarg Int'l Sales Co., Inc. v*
 21 *John D. Brush & Co., Inc.*, 240 F3d 832, 839-40 (9th. Cir. 2001). Irreparable injury exists when
 22 compensatory monetary damages is the remedy sought by plaintiff but the money judgment
 23 may be uncollectible due to the defendant's insolvency and where the plaintiff seeks to
 24 preserve a fund in which plaintiff has a claim, *Decker v. Independence Shares Corp*, 311 US
 25 282, 290 , 61 S. Ct. 229, 234 (1940), *Hendricks v. Bank of America, N.A.* 408 F.3d 1127,
 26 1141 (9th Cir. 2005) [defendant was shown to be insolvent], and to preserve equitable
 27 remedies *Walczak v. EPL Prolong, Inc.*, 198 F3d.725, 732 (9th Cir. 1999) [injunction against
 28 liquidating corporate assets in suit for breach of fiduciary duty]. A Temporary Restraining

Order is granted to maintain the status quo pending a decision on a Preliminary Injunction. *Granny Goose Foods, Inc. v Brotherhood of Teamsters & Auto Truck Drivers*, 411 U.S. 423, 439 (1974).

B. Plaintiffs Is Likely To Prevail On The Merits Since the Defendants Misled Plaintiff Into Making the Investments By Use of False Information and the Defendants Never Provided Any Accounting or Reports Regarding the Status of Plaintiff's Funds, and the Invested Funds are Now Missing Without a Trace.

The facts of the case are simple, and are specifically set forth in the Declaration of Thomas G. Buckley, Jr. filed herewith.

On the last day of November, 2007, Plaintiff invested an aggregate of \$750,000 in two "hedge funds" and all funds are now missing without a trace. (Buckley Decl. at ¶¶13, 15-17, 27, 28). The two "hedge fund" defendants were "managed" by defendant Duran through his limited liability company, New World Capital Management, LLC, also a defendant ("Capital Management"). In April, 2008, Capital Management claimed the "hedge funds" became "insolvent" (the "Insolvency Letter") (Buckley Decl. at ¶25).

Plaintiff's decision to invest was made based upon false and misleading information posted by the defendants on the www.hedgefund.net website. (Buckley Decl. at ¶3 through ¶8). The false information included a five year and three year performance track record for the "hedge fund" defendants, which under no circumstance could be true in light of the recent learning that the "hedge fund" defendants were, in fact, only organized, a mere 2 and 5 months, respectively, prior to Plaintiff's November, 2007 investment. (Buckley Decl. at ¶30; Request For Judicial Notice ¶¶1, 2 & 3). In February, 2008, Plaintiff exercised its redemption rights with respect to its investment in the New World Capital Equity Fund, L.P., which was acknowledged and agreed to by the defendants, but was subsequently delayed by defendants' "excuse" of waiting to the end of the fiscal quarter (Buckley Decl. at ¶¶ 21, 22, 23). Thereafter, Plaintiff received the Insolvency Letter. (Buckley Decl. at ¶25 and Exhibit "A" attached thereto). Plaintiff never received a return of any of its investment. (Buckley Decl. at ¶24). At no time has any of the defendants provided Plaintiff with an accounting or

1 report as to the use or whereabouts of Plaintiff's investment proceeds. (Buckley Decl.at ¶¶16,
2 17, 27, and 28).

3 Given the repeated deceptions by the Defendants with respect to inducing Plaintiff to
4 invest, and the delaying tactics not to return Plaintiff's investment, it is highly likely that
5 Plaintiff will prevail on the merits in this case.

6 Plaintiff will suffer irreparable injury in this case without an order for temporary
7 restraining order in that Plaintiff is seeking to (i) preserve a fund in which Plaintiff has a
8 claim in light of the fact that the hedge fund defendants claim to be insolvent (Buckley Decl
9 at ¶25), and to (ii) preserve equitable remedies including but not limited to rescission of
10 Plaintiff's investment, and constructive trust of assets held by the defendants.

11
12 **C. Balancing The Equities, The Court Should Issue Immediate Injunctive**
13 **Relief To Preserve The Status Quo and Avoid Irreparable Harm;**
Defendants Will Suffer No Adverse Effect.

14 The circumstances show that injunctive relief is absolutely required to protect
15 Plaintiff. Analyzing the benefits and burdens of the Plaintiff and Defendants in the event a
16 TRO is granted clearly weighs in favor of the Plaintiff. If, as the Defendants claim, the
17 "hedge funds" are insolvent, and there are no funds remaining, then the TRO will not burden
18 the Defendants because the TRO will, in effect, be restraining no conduct, and will be no
19 burden on the Defendants.

20 If however, the Defendants have, once again, misled the Plaintiff, and there are assets
21 remaining, then given the Defendants' deceptions perpetrated upon the Plaintiff with respect
22 to the inducement to invest and the current "insolvent" status of the "hedge funds", and the
23 Defendants' failure to return the Plaintiff's funds, and the likelihood that the Plaintiff will
24 prevail in this case, then the Defendants will have suffered no burden, since it is, and has
25 always been, Defendants' obligation to hold and return Plaintiff's funds to the Plaintiff.

26 Failure to grant the injunctive relief herein sought would serve to impair the
27 Plaintiff's ability to preserve a fund in which plaintiff has a claim, and to preserve its
28 equitable remedies, and thus would cause irreparable injury.

1 **III. CONCLUSION**

2 Defendants have acted deceptively and unlawfully in taking Plaintiff's funds without a
3 trace. Plaintiff, now in pursuit of the recovery of such funds, is now confronted with
4 irreparable harm from the Defendants' attempted, if not completed alleged misappropriation.
5 Plaintiff seeks to preserve the status quo of the "hedge fund" activities and its manager and to
6 preserve its rights to equitable remedies (e.g. rescission, constructive trust). Defendants will
7 not be harmed by the granting of the Temporary Restraining Order which prevents them from
8 further investing or trading any funds and investments pending a hearing on Preliminary
9 Injunction.

10 For these, and all of the foregoing reasons, this Court should immediately grant a
11 Temporary Restraining Order and Order To Show Cause Re: Preliminary Injunction.

12
13 Dated: July 2, 2008

LAW OFFICES OF ERIC I. MICHELMAN

14
15 s/Eric I. Michelman

Eric I. Michelman

Attorney for Plaintiff

A WALL STREET FUND I, LTD.

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NEW WORLD CAPITAL CURRENCY
FUND, L.P., a Delaware limited partnership,
NEW WORLD CAPITAL EQUITY FUND,
L.P., a Delaware limited partnership,
NEW WORLD CAPITAL MANAGEMENT,
LLC, a Delaware limited liability
company, GREGORY DURAN, an individual;
and DOES 1-10;

Defendants.

Case No. 08 CV 1042 JAH (JMA)

DECLARATION OF
THOMAS G. BUCKLEY, JR.

[FILED IN SUPPORT OF PLAINTIFF'S EX
PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND OSC RE:
PRELIMINARY INJUNCTION

Judge: Hon. John A. Houston
Courtroom: 11
Date:

I, THOMAS G. BUCKLEY, JR., hereby declare that:

1. I am the general partner of A Wall Street Fund I, L.P., a Florida limited partnership, the plaintiff ("Plaintiff") in this case, and execute and file this Declaration in support of Plaintiff's Ex Parte Application for Right To Attach Order and /or Temporary

1 Protective Order. If called as a witness in this matter, I can competently and completely
2 testify to the facts stated herein.

3 2. In or about the Fall of 2007, Plaintiff, acting by and through the undersigned in
4 my capacity as Plaintiff's general partner, investigated investment opportunities.

5 3. On behalf of Plaintiff, I first learned of the New World Capital Currency Fund,
6 L.P. and the New World Capital Equity Fund, L.P. (collectively, the "New World Hedge
7 Funds") through Hedgefund.net, an internet based web site.

8 4. On behalf of Plaintiff, I reviewed and analyzed the historical performance,
9 investment economics and summary information regarding the New World Hedge Funds
10 which was posted on Hedgefund.net.

11 5. Based upon certain fine print on the Hedgefund.net website, I was led to
12 believe all information posted on Hedgefund.net regarding the New World Hedge Funds was
13 provided to Hedgefund.net by the Defendants in this case.

14 6. The historical performance information indicated, among other information,
15 that the New World Capital Equity Fund, L.P. was in existence since January, 2003 and had
16 generated annual returns of 65.36% for 2003, 63.79% for 2004, 45.56% for 2005, 78.15%
17 for 2006 and approximately 59% for the 10 months ending October, 2007.

18 7. The historical performance information for the New World Capital Currency
19 Fund which was posted on the Hedgefund.net website indicated, among other information,
20 that the New World Capital Currency Fund was in existence for more than three years, and
21 had generated total returns of approximately 570% , and annual returns of 36.37% for 2005,
22 64.48% for 2006, and approximately 191% for the 10 months ending October, 2007.

23 8. The investment economics and summary information which was posted on the
24 Hedgefund.net website regarding the New World Capital Currency Fund described the
25 investment strategy to include, among other items, that "no more than 3% percent of capital
26 allocated per idea with 3:1 risk to reward ratio with 1.1. to 4.1 leverage....No more than 3%
27 percent of capital risked per trade with 100:1 leverage with 3:1 risk to reward ratio."

28 9. On behalf of Plaintiff, I further investigated the New World Hedge Funds via

1 telephone conversation between the undersigned and Defendant Duran in or about
2 November, 2007. Defendant Duran identified himself as the fund manager for the New
3 World Hedge Funds.

4 10. Pursuant to a number of subsequent telephone conversations and e-mails during
5 November, 2007, between the undersigned on behalf of Plaintiff, while at the Plaintiff's
6 office in San Diego County, California, and Defendant Duran and other personnel in Santa
7 Fe, New Mexico, Plaintiff was provided with a variety of written and oral information
8 regarding the New World Hedge Funds.

9 11. The written information provided to Plaintiff included two Confidential
10 Offering Memoranda, one for each of the New World Hedge Funds, respectively (the
11 "Offering Memoranda").

12 12. The Offering Memoranda provided that the Plaintiff's funds would, among
13 other things:

14 (i) be pooled with funds from other investors separately in each of the New World
15 Capital Equity Fund and the New World Capital Currency Fund;

16 (ii) be deposited in segregated accounts for each of the New World Capital Equity
17 Fund and the New World Capital Currency Fund;

18 (iii) with respect to the New World Capital Equity Fund, be used to achieve positive
19 absolute returns while preserving principal and avoiding excess risk;

20 (iv) with respect to the New World Capital Equity Fund, be invested with such
21 pooled funds in "8 to 33 positions depending on market conditions...";

22 (v) with respect to the New World Capital Equity Fund, be limited to no more than
23 10-20% to be used as collateral in connection with selling securities short;

24 (vi) be accounted for and valued on the last day of a fiscal quarter, including but not
25 limited to December 31, 2007 and March 31, 2008;

26 (vii) be subject to audit as part of the audited financial statements of each of the
27 New World Hedge Funds, to be delivered to Plaintiff annually;

28 (viii) be part of the quarterly financial statement of each of the New World Hedge

1 Funds to be delivered to the Plaintiff quarterly;

2 (ix) be the subject of monthly Performance and Capital Summary Reports and
3 Partner Interest Appraisal Reports each of which was to be delivered to the Plaintiff.

4 13. Plaintiff made its investments in the New World Hedge Funds on or about
5 November 30, 2007 by wiring \$750,000 to Account No. 004390119034 at Bank of America
6 , 2308 Cerrillos, Santa Fe, New Mexico 87505, designating that \$500,000 be invested in the
7 New World Capital Currency Fund and \$250,000 be invested in the New World Capital
8 Equity Fund.

9 14. As a result of making the investments and subscribing to become a limited
10 partner, Plaintiff was led to believe it became a limited partner of each of the New World
11 Hedge Funds on or about December 1, 2007.

12 15. From and after December 1, 2007, Plaintiff never received any report
13 indicating the value of its investments, or the gain or loss of its investment, other than an
14 informal email on December 27, 2007 which stated in part, "The returns for December have
15 been good, considerably....The equity portfolio could manage around a 2.5%+- return.....In
16 terms of the currency side, we should have a 1.23%+- return."

17 16. From and after December 1, 2007, Plaintiff never received any report
18 indicating the nature or amount of the underlying assets in which its funds were invested in
19 either of the New World Hedge Funds other than an informal email on January 23, 2008
20 email which is described in Paragraphs 18 and 19 hereinbelow.

21 17. From and after December 1, 2007, Plaintiff never received any report
22 indicating the liquidity of its investments or any report indicating the location of any financial
23 institution which held the investments of either of the New World Hedge Funds.

24 18. On or about January 23, 2008, Defendant Duran sent an e-mail to Plaintiff (the
25 "January 23, 2008 email") which responded to an email from the undersigned on behalf of
26 the Plaintiff, the latter of which inquired as to the status of the December, 2007 returns on
27 Plaintiff's investments.

28 19. Defendant Duran's January 23, 2008 email stated that "for the last month and a

1 half, we have owned only one position. PSQ, which is short the tech laden QQQ.”

2 20. In fact, (i) at December 1, 2007, the PSQ had a value of approximately \$54.06
3 per share, (ii) at January 23, 2008 the PSQ had a value of \$63.00 per share, (iii) during the
4 period December 1, 2007 through December 31, the PSQ reportedly never traded below
5 \$51.94, and (iv) from and after January 1, 2008 through April, 2008 and all times thereafter
6 which is relevant hereto, the PSQ traded above \$54.06, thereby indicating that the New
7 World Hedge Fund’s ownership of PSQ was profitable.

8 21. On or about February 21, 2008, Plaintiff delivered to Defendant Duran on
9 behalf of defendant New World Capital Management, LLC, a written request for a full
10 redemption of its investment in the New World Capital Equity Fund.

11 22. On or about March 7, 2008, Defendant Duran sent an email to Plaintiff stating
12 that “We will be sending those funds at the end of next week”.

13 23. On or about March 15, 2008 Defendant Duran sent another email to Plaintiff
14 stating, in part, “We felt it is best for our clients and the timing of the funds closing, to be on
15 our ending of our fiscal quarter, which is the end of March, at which time assets from the
16 fund will be dispersed or converted to the currency fund.”

17 24. At or about March 31, 2008, and all times prior and thereafter, Plaintiff never
18 received the return of any funds from any of the defendants in this case.

19 25. On or about April 11, 2008, Plaintiff received a letter from CAPITAL
20 MANAGEMENT, a copy of which is attached hereto as **Exhibit “A”** (the “April 11, 2008
21 Letter”) which states as its first sentence: “Trading losses have rendered New World Capital
22 Currency Fund, LP and New World Capital Equity Fund LP **insolvent**.”(emphasis added).

23 26. The April 11, 2008 Letter also stated: “Also, we want to apologize for not
24 speaking with you directly and ask that you forgive the fact that our first communication is
25 this letter”.

26 27. At no time has Plaintiff received any tax information relating to its partnership
27 interests in the New World Hedge Funds.

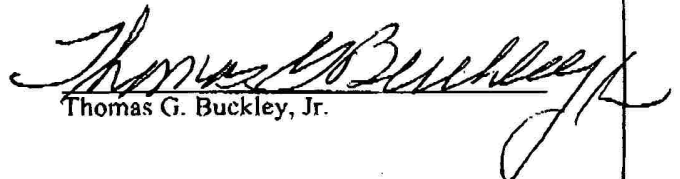
28 28. To date, Plaintiff has never received any accounting of his invested funds with

1 the New World Hedge Funds other than a purported performance posting on hedgefund.net.
 2 29. The defendants in this case all failed to disclose in the March 7, 2008 email
 3 and in the March 15, 2008 email or in any other correspondence the purported losses and/or
 4 value of the New World Hedge Funds, and thereby induced the Plaintiff to not seek earlier
 5 redemption of its investments in the New World Hedge Funds.

6 30. Unbeknownst to Plaintiff, and notwithstanding the five and three year
 7 historical performance information provided by, and for, each of the New World Hedge
 8 Funds, respectively (as described in Paras. 6 and 6 above), according to the records of the
 9 Delaware Secretary of State, the date of organization of defendant New World Capital Equity
 10 Fund was July 10, 2007, the date of organization of defendant New World Capital Currency
 11 Fund was September 19, 2007, and the date of organization of defendant New World Capital
 12 Management, LLC was July 31, 2007, all such dates being within five (5) months of
 13 Plaintiff's investment in the New World Hedge Funds.

14 31. Based upon the deceptive and misleading information which Plaintiff was
 15 given by the defendants in this case which led the Plaintiff to make its investment, and the
 16 subsequent deception regarding rate of returns on the investment and the failure to provide
 17 any other communication, and the defendants' claim of the insolvency of the New World
 18 Hedge Funds, it is my belief, and I fear, that Plaintiff will suffer great and irreparable injury
 19 if the Writ of Attachment Order and /or Temporary Protective Order is not issued before the
 20 matter can be heard on notice because there is a grave danger that any assets which remain
 21 and which is the property sought, will be concealed, substantially impaired in value, or made
 22 unavailable to levy by other than concealment, or impairment in value by the action of the
 23 defendants.

24 This Declaration is executed in San Diego, California on June 30, 2008, under the penalties
 25 of perjury.

26
 27 
 28 Thomas G. Buckley, Jr.

New World Capital Management, LLC

April 11, 2008

Dear Investors,

Trading losses have rendered New World Capital Currency Fund L.P. and New World Capital Equity Fund LP. insolvent. No apology is adequate but we want you to know how profoundly sorry and deeply pained we are about this result. You entrusted your money to our investment strategy and it failed. Also, we want to apologize for not speaking with you directly and ask that you forgive the fact that our first communication is this letter. As you can imagine, recent events required our undivided attention.

The losses in the funds resulted from market conditions in certain currency pairs. Our investment strategy and strong belief in market direction collided with the volatility of the world economy and currency markets, leading to the funds' collapse. Managing the risks of such extraordinary events is always challenging. In hindsight, our investment strategy - like the strategies of many other funds - was insufficient.

Once again, let us tell you that there is no way to express how sorry we are for our lack of success for you. We are continuing our evaluation of the trading losses and intend to provide you with further information.

Sincerely,

New World Capital Management LLC

312 Read St.
Santa Fe, New
Mexico
87501
Tel: 505-989-3876
Fax: 505-995-
9930

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Attorney for Plaintiff
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LLC**, a Delaware limited liability
company, **GREGORY DURAN**, an individual;
and **DOES 1-10**;

Defendants.

Case No. 08 CV 1042 JAH (JMA)

REQUEST FOR JUDICIAL NOTICE

**[FILED IN SUPPORT OF PLAINTIFF'S EX
PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND OSC RE:
PRELIMINARY INJUNCTION]**

Judge: Hon. John A. Houston
Courtroom: 11
Date:

Plaintiff, A Wall Street Fund I, L.P., hereby requests that, with respect to its Ex Parte Application for Temporary Restraining Order and OSC Re: Preliminary Injunction, this Court take judicial notice of:

1. Delaware Department of State: Division of Corporations - Entity Details (website

1 page posted at <https://sos-res.state.de.us/tin/GINameSearch.jsp>) for **NEW WORLD CAPITAL**
2 **CURRENCY FUND, L.P.**, a Delaware limited partnership, (website page posted at
3 <https://sos-res.state.de.us/tin/GINameSearch.jsp>), a true and correct copy of which is attached
4 hereto as **Exhibit “A”**;

5 2. Delaware Department of State: Division of Corporations - Entity Details for
6 **NEW WORLD CAPITAL EQUITY FUND, L.P.**, a Delaware limited partnership, (website
7 page posted at <https://sos-res.state.de.us/tin/GINameSearch.jsp>), a true and correct copy of
8 which is attached hereto as **Exhibit “B”**;

9 3. Delaware Department of State: Division of Corporations - Entity Details for
10 **NEW WORLD CAPITAL MANAGEMENT, LLC**, a Delaware limited liability company,
11 (website page posted at <https://sos-res.state.de.us/tin/GINameSearch.jsp>), a true and correct
12 copy of which is attached hereto as **Exhibit “C”**;

13 This request is based upon this Request For Judicial Notice, the above referenced
14 documents, and on such further documents, memoranda and arguments as may be presented or
15 filed at or before the hearing on the Plaintiff’s Ex Parte Motion For Temporary Restraining
16 Order and OSC re: Preliminary Injunction.

17 The Court is authorized to take judicial notice of these papers pursuant to Federal Rules
18 of Evidence Code Section 201(b)(2) as these are from the records of the Delaware Department
19 of State.

20
21 DATED: July 2, 2008

Respectfully submitted,

22 **LAW OFFICE OF ERIC I. MICHELMAN**

23
24 s/Eric I. Michelman
25 Eric I. Michelman
26 Attorney for Plaintiff
27 A WALL STREET FUND I, LTD.
28

**State of Delaware**

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Entity Details

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File Number:	4425539	Incorporation Date / Formation Date:	09/19/2007 (mm/dd/yyyy)
Entity Name:	NEW WORLD CAPITAL CURRENCY FUND, LP		
Entity Kind:	LIMITED PARTNERSHIP (LP)	Entity Type:	GENERAL
Residency:	DOMESTIC	State:	DE

[REGISTERED AGENT INFORMATION](#)

Name:	CORPORATION SERVICE COMPANY		
Address:	2711 CENTERVILLE ROAD SUITE 400		
City:	WILMINGTON	County:	NEW CASTLE
State:	DE	Postal Code:	19808
Phone:	(302)636-5401		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Entity Details

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File Number:	4386575	Incorporation Date / Formation Date:	07/10/2007 (mm/dd/yyyy)
Entity Name:	NEW WORLD CAPITAL EQUITY FUND, L.P.		
Entity Kind:	LIMITED PARTNERSHIP (LP)	Entity Type:	GENERAL
Residency:	DOMESTIC	State:	DE

[REGISTERED AGENT INFORMATION](#)

Name:	CORPORATION SERVICE COMPANY		
Address:	2711 CENTERVILLE ROAD SUITE 400		
City:	WILMINGTON	County:	NEW CASTLE
State:	DE	Postal Code:	19808
Phone:	(302)636-5401		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Entity Details

THIS IS NOT A STATEMENT OF GOOD STANDING

File Number:	4399430	Incorporation Date / Formation Date:	07/31/2007 (mm/dd/yyyy)
Entity Name:	NEW WORLD CAPITAL MANAGEMENT, LLC		
Entity Kind:	LIMITED LIABILITY COMPANY (LLC)	Entity Type:	GENERAL
Residency:	DOMESTIC	State:	DE

REGISTERED AGENT INFORMATION

Name:	CORPORATION SERVICE COMPANY		
Address:	2711 CENTERVILLE ROAD SUITE 400		
City:	WILMINGTON	County:	NEW CASTLE
State:	DE	Postal Code:	19808
Phone:	(302)636-5401		

Additional Information is available for a fee. You can retrieve Status for a fee of \$10.00 or more detailed information including current franchise tax assessment, current filing history and more for a fee of \$20.00.

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Facsimile: (949) 553-1880
email: ericmichelman@lawfirmofbusiness.com

Attorney for Plaintiff
A WALL STREET FUND I, LTD.,
a Florida limited partnership

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

A WALL STREET FUND I, LTD.,
a Florida limited partnership

Plaintiff,

vs.

NEW WORLD CAPITAL CURRENCY
FUND, L.P., a Delaware limited partnership,
NEW WORLD CAPITAL EQUITY FUND,
L.P., a Delaware limited partnership,
NEW WORLD CAPITAL MANAGEMENT,
LLC, a Delaware limited liability
company, GREGORY DURAN, an individual;
and DOES 1-10;

Defendants.

Case No. 08 CV 1042 JAH (JMA)

DECLARATION OF ERIC I.
MICHELMAN PURSUANT TO
CivLR 83.3.h.2

[FILED IN SUPPORT OF PLAINTIFF'S EX
PARTE APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND OSC RE:
PRELIMINARY INJUNCTION]

Judge: Hon. John A. Houston
Courtroom: 11
Date:

I, Eric I. Michelman, hereby declare that:

1. I am the attorney of record for the Plaintiff in this action, and execute and file this
Declaration pursuant to CivLR Section 83.3.h.2. in support of Plaintiff's Ex Parte
Application For Temporary Restraining Order and OSC Re: Preliminary Injunction. If called

1 as a witness in this matter, I can competently and completely testify to the facts stated herein.

2 2. Opposing Parties have not been notified of Plaintiff's Ex Parte Application for
3 Temporary Restraining Order and OSC Re: Preliminary Injunction, for two reasons:

4 (i) the defendants have only recently been served (June 17, 2008 and June 19, 2008,
5 respectively) and have not yet appeared in this action; and

6 (ii) Plaintiff should not be required to inform the defendants of the relief sought given
7 that the reason the Plaintiff seeks to obtain a Temporary Restraining Order at this early stage
8 of the litigation is that it is believed that the cause of Plaintiff's loss of over \$750,000 in this
9 case was the result of a fraud perpetrated upon the Plaintiff by the defendants all of whom
10 appear to be under the control of defendant Gregory Duran, who, if noticed, will have the
11 opportunity and incentive pending the outcome of the Application to continue to perpetrate
12 fraud and deception upon the Plaintiff.

13 This Declaration is executed in Irvine, California on July 2, 2008, under the penalties of
14 perjury.

15
16 s/ Eric I. Michelman
17 Eric I. Michelman
18 Attorney for Plaintiff
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